

(Pub. L. 95-223, title II, §206, Dec. 28, 1977, 91 Stat. 1628; Pub. L. 102-393, title VI, §629, Oct. 6, 1992, 106 Stat. 1773; Pub. L. 102-396, title IX, §9155, Oct. 6, 1992, 106 Stat. 1943.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-396 substituted “\$10,000” for “\$50,000”.

Pub. L. 102-393 substituted “\$50,000” for “\$10,000”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 18 section 1956; title 22 section 2778.

§ 1706. Savings provisions

(a) Termination of national emergencies pursuant to National Emergencies Act

(1) Except as provided in subsection (b) of this section, notwithstanding the termination pursuant to the National Emergencies Act [50 U.S.C. 1601 et seq.] of a national emergency declared for purposes of this chapter, any authorities granted by this chapter, which are exercised on the date of such termination on the basis of such national emergency to prohibit transactions involving property in which a foreign country or national thereof has any interest, may continue to be so exercised to prohibit transactions involving that property if the President determines that the continuation of such prohibition with respect to that property is necessary on account of claims involving such country or its nationals.

(2) Notwithstanding the termination of the authorities described in section 101(b) of this Act, any such authorities, which are exercised with respect to a country on the date of such termination to prohibit transactions involving any property in which such country or any national thereof has any interest, may continue to be exercised to prohibit transactions involving that property if the President determines that the continuation of such prohibition with respect to that property is necessary on account of claims involving such country or its nationals.

(b) Congressional termination of national emergencies by concurrent resolution

The authorities described in subsection (a)(1) of this section may not continue to be exercised under this section if the national emergency is terminated by the Congress by concurrent resolution pursuant to section 202 of the National Emergencies Act [50 U.S.C. 1622] and if the Congress specifies in such concurrent resolution that such authorities may not continue to be exercised under this section.

(c) Supplemental savings provisions; superseding of inconsistent provisions

(1) The provisions of this section are supplemental to the savings provisions of paragraphs (1), (2), and (3) of section 101(a) [50 U.S.C. 1601(a)(1), (2), (3)] and of paragraphs (A), (B), and (C) of section 202(a) [50 U.S.C. 1622(a)(A), (B), and (C)] of the National Emergencies Act.

(2) The provisions of this section supersede the termination provisions of section 101(a) [50 U.S.C. 1601(a)] and of title II [50 U.S.C. 1621 et seq.] of the National Emergencies Act to the extent that the provisions of this section are inconsistent with these provisions.

(d) Periodic reports to Congress

If the President uses the authority of this section to continue prohibitions on transactions involving foreign property interests, he shall report to the Congress every six months on the use of such authority.

(Pub. L. 95-223, title II, §207, Dec. 28, 1977, 91 Stat. 1628.)

REFERENCES IN TEXT

The National Emergencies Act, referred to in subsecs. (a)(1) and (c)(2), is Pub. L. 94-412, Sept. 14, 1976, 90 Stat. 1255, as amended, which is classified principally to chapter 34 (§1601 et seq.) of this title. Title II of the National Emergencies Act is classified generally to subchapter II (§1621 et seq.) of chapter 34 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

Section 101(b) of this Act, referred to in subsec. (a)(2), is section 101(b) of Pub. L. 95-223, which is set out as a note under section 5 of the Appendix to this title.

CHAPTER 36—FOREIGN INTELLIGENCE SURVEILLANCE

SUBCHAPTER I—ELECTRONIC SURVEILLANCE

- | | |
|-------|--|
| Sec. | |
| 1801. | Definitions. |
| 1802. | Electronic surveillance authorization without court order; certification by Attorney General; reports to Congressional committees; transmittal under seal; duties and compensation of communication common carrier; applications; jurisdiction of court. |
| 1803. | Designation of judges. <ul style="list-style-type: none"> (a) Court to hear applications and grant orders; record of denial; transmittal to court of review. (b) Court of review; record, transmittal to Supreme Court. (c) Expeditious conduct of proceedings; security measures for maintenance of records. (d) Tenure. |
| 1804. | Applications for court orders. <ul style="list-style-type: none"> (a) Submission by Federal officer; approval of Attorney General; contents. (b) Exclusion of certain information respecting foreign power targets. (c) Additional affidavits or certifications. (d) Additional information. |
| 1805. | Issuance or order. <ul style="list-style-type: none"> (a) Necessary findings. (b) Specifications and directions of orders. (c) Exclusion of certain information respecting foreign power targets. (d) Duration of order; extensions; review of circumstances under which information was acquired, retained or disseminated. (e) Emergency orders. (f) Testing of electronic equipment; discovering unauthorized electronic surveillance; training of intelligence personnel. (g) Retention of certifications, applications and orders. |
| 1806. | Use of information. <ul style="list-style-type: none"> (a) Compliance with minimization procedures; privileged communications; lawful purposes. (b) Statement for disclosure. (c) Notification by United States. |

Sec.

- (d) Notification by States or political subdivisions.
- (e) Motion to suppress.
- (f) In camera and ex parte review by district court.
- (g) Suppression of evidence; denial of motion.
- (h) Finality of orders.
- (i) Destruction of unintentionally acquired information.
- (j) Notification of emergency employment of electronic surveillance; contents; postponement, suspension or elimination.

1807. Report to Administrative Office of the United States Court and to Congress.

1808. Report of Attorney General to Congressional committees; limitation on authority or responsibility of information gathering activities of Congressional committees; report of Congressional committees to Congress.

1809. Criminal sanctions.
 (a) Prohibited activities.
 (b) Defense.
 (c) Penalties.
 (d) Federal jurisdiction.

1810. Civil liability.

1811. Authorization during time of war.

SUBCHAPTER II—PHYSICAL SEARCHES

1821. Definitions.

1822. Authorization of physical searches for foreign intelligence purposes.

- (a) Presidential authorization.
- (b) Application for order; authorization.
- (c) Jurisdiction of Foreign Intelligence Surveillance Court.
- (d) Court of review; record; transmittal to Supreme Court.
- (e) Expeditious conduct of proceedings; security measures for maintenance of records.

1823. Application for order.

- (a) Submission by Federal officer; approval of Attorney General; contents.
- (b) Additional affidavits or certifications.
- (c) Additional information.

1824. Issuance of order.

- (a) Necessary findings.
- (b) Specifications and directions of orders.
- (c) Duration of order; extensions; assessment of compliance.
- (d) Emergency orders.
- (e) Retention of applications and orders.

1825. Use of information.

- (a) Compliance with minimization procedures; lawful purposes.
- (b) Notice of search and identification of property seized, altered, or reproduced.
- (c) Statement for disclosure.
- (d) Notification by United States.
- (e) Notification by States or political subdivisions.
- (f) Motion to suppress.
- (g) In camera and ex parte review by district court.
- (h) Suppression of evidence; denial of motion.
- (i) Finality of orders.
- (j) Notification of emergency execution of physical search; contents; postponement, suspension, or elimination.

1826. Congressional oversight.

1827. Penalties.

Sec.

- (a) Prohibited activities.
- (b) Defense.
- (c) Fine or imprisonment.
- (d) Federal jurisdiction.

1828. Civil liability.

1829. Authorization during time of war.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 18 sections 2232, 2511, 2522, 3121; title 47 section 1008.

SUBCHAPTER I—ELECTRONIC SURVEILLANCE

§ 1801. Definitions

As used in this subchapter:

(a) “Foreign power” means—

(1) a foreign government or any component thereof, whether or not recognized by the United States;

(2) a faction of a foreign nation or nations, not substantially composed of United States persons;

(3) an entity that is openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments;

(4) a group engaged in international terrorism or activities in preparation therefor;

(5) a foreign-based political organization, not substantially composed of United States persons; or

(6) an entity that is directed and controlled by a foreign government or governments.

(b) “Agent of a foreign power” means—

(1) any person other than a United States person, who—

(A) acts in the United States as an officer or employee of a foreign power, or as a member of a foreign power as defined in subsection (a)(4) of this section;

(B) acts for or on behalf of a foreign power which engages in clandestine intelligence activities in the United States contrary to the interests of the United States, when the circumstances of such person's presence in the United States indicate that such person may engage in such activities in the United States, or when such person knowingly aids or abets any person in the conduct of such activities or knowingly conspires with any person to engage in such activities; or

(2) any person who—

(A) knowingly engages in clandestine intelligence gathering activities for or on behalf of a foreign power, which activities involve or may involve a violation of the criminal statutes of the United States;

(B) pursuant to the direction of an intelligence service or network of a foreign power, knowingly engages in any other clandestine intelligence activities for or on behalf of such foreign power, which activities involve or are about to involve a violation of the criminal statutes of the United States;

(C) knowingly engages in sabotage or international terrorism, or activities that